

**DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION PROGRAMS**  
**Frederick Area School District**  
**Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Dustin Hinckley, Team Leader; Linda Shirley, Educational Specialists; Wendy Jarvis, Special Education Programs; Cindy Kirschman, Transition Liaison

**Dates of On Site Visit:** November 21, 2011

**Date of Report:** November 23, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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**NONCOMPLIANCE ISSUES**

**1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

- (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
- (b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section

**§300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services**

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each the various services to be provided must be appropriate to the specific service and clearly state in the IEP in a manner that can be understood by all involved into the development and implementation the IEP.

**ARSD 24:05:27:03. IEP team to determine related services.** In developing a child's individual educational program, the members of the IEP team shall determine whether any developmental, corrective, or other supportive services, including transportation, are required to assist a child to benefit from special education. These services must be written into the individual educational program as related services.

**ARSD 24:05:27:04. Determination of related services.** In deciding whether a particular developmental, corrective, or other supportive service is a related service, the members of the IEP team shall review the results of the individual evaluations used to determine the child's need for special education. Based on the specific special education services to be provided, the team shall determine whether or not related services are required in order to assist the child to benefit from the special education program.

## **CORRECTIVE ACTION**

### **Prong 1: Correct each individual case of noncompliance**

Through a review of student files, the monitoring team found that student programs were not consistently developed to confer educational benefit to the student due to services being provided outside of the scope of the disability area and services being provided that did not link back to a goal.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<u>Student: #1</u> The description of services for this student, who is on an IEP for Emotional Disturbance, included science, social studies and study skills as special education services. Additionally, the related service of counseling was listed for 30 minutes, 4x/wk without being related back to the special education program.	<u>Student: #1</u> The district will convene the IEP team to amend the description of services so that they are designed to confer educational benefit in the area(s) of disability. The team will also determine which need(s) is to be addressed through the counseling services, leading to that service being either eliminated or related back to the special education program through assignment of the counselor as a person responsible for an established goal or the development of a goal in that area of need.	<u>Student: #1 &amp; #5</u> The district will submit the following: <ol style="list-style-type: none"><li>1. Prior notice for a meeting</li><li>2. Copy of the addendum to the IEP outlining changes to the description of services and/or goals</li></ol>
<u>Student: #5</u> The description of services for this student, who is on an IEP for Emotional Disturbance, included spelling as a special education service. Spelling is not a disability area and can therefore not be included in special education services. Additionally, the related service of counseling was listed without being related back to the special education program.	<u>Student: #5</u> The district will convene the IEP team to amend the description of services so that all services relate to a disability area. The team will also determine which need(s) is to be addressed through the counseling services, leading to that service being either eliminated or related back to the special education program through assignment of the counselor as a person responsible for an established goal or the development of a goal in that area of need.	

### **Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

#### **Required Action:**

IEP teams must consistently develop IEP's that are consistently designed to confer educational benefit to the student and that only include services related to the disability area.

#### **Data To Be Submitted:**

As annual IEP's are developed, each special education teacher must submit the following data for two additional students:

- 1) Prior notice for a meeting

2) Final draft of the IEP developed at the meeting

**Target Date for Completion: May 1, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

### **STATE PERFORMANCE INDICATORS**

**Indicator 3: Participation and Performance on Statewide Assessments:**

**Reading:**

**B) Did the district meet the participation target for the subgroup students with disabilities in the statewide assessment?**

**State Target: 99.2% or higher**

**District Rate: 100%**

**District Response:** Frederick places a high importance of attendance on testing dates as well as starting testing close to the beginning of the testing window in order to allow students time to make-up tests sections if they happen to be absent during the testing of that grade. Also, we will make accommodations for students who need to be absent for some reason to test them earlier.

All of the elementary, junior high, and high school staff work together in the planning and scheduling of testing to allow students with special needs to get appropriate accommodations to their tests without having to miss a scheduled class period and have an opportunity to complete their tests in a similar time frame as their peers and have enough time to complete their tests.

**Indicator 3: Participation and Performance on Statewide Assessments:**

**C) Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment?**

**Grades K-8:**

**State Target 69% or higher**

**District Rate: 66.67%**

**District Response:** Students in K-3 participate in a school-based RTI program based in the area of reading. Both general education students and special needs students participate in reading activities as part of the RTI time.

At the beginning of the school year all teachers gather and create goals based on standards that were identifies as weaknesses on our E-metric. These goals everyone works on. The standards identified are worked on by the general classroom teachers as well as special education during regular classroom time as well as our enhancement Fridays.

Special education students who have been identified with weakness in the area of reading participate in Corrective Reading and/or Reading Mastery programs which are scientifically researched based programs to try to catch up students in the area of reading. Also students get “practice” with taking tests similar to the STEP test through their weekly and unit tests given in the general classroom. These tests require students to read passages themselves and then are asked to answer multiple choice questions based on that passage. These are administered in the same manner that is required in the Step tests where students are never read the reading passages.